

House Bill 777

By: Representatives Jones of the 44th, Morgan of the 39th, Brooks of the 63rd, and Sims of the 151st

A BILL TO BE ENTITLED
AN ACT

To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that any full-time public school employee may elect to become a member of the Teachers Retirement System of Georgia; to define certain terms; to provide for employee and employer contributions; to provide for creditable service for certain prior service; to provide for matters relative to the foregoing; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is amended by striking in its entirety subparagraph (E) of paragraph (28) of Code Section 47-3-1, relating to definitions relative to the Teachers Retirement System of Georgia, and inserting in lieu thereof the following:

"(E) Full-time public school ~~lunchroom managers or supervisors, full-time public school maintenance managers or supervisors, full-time public school transportation managers or supervisors, and full-time public school warehouse managers or supervisors~~ employees, as such term is defined in paragraph 20 of Code Section 47-4-2, upon electing to participate in the retirement system pursuant to Code Section 47-3-63;"

SECTION 2.

Said title is further amended by striking in its entirety Code Section 47-3-63, relating to membership in the Teachers Retirement System of Georgia by certain public school employees, and inserting in lieu thereof the following:

"47-3-63.

(a) In accordance with Code Section 47-4-40, ~~full-time public school lunchroom, maintenance, or warehouse managers or supervisors or full-time public school transportation managers or supervisors including those employed by postsecondary~~

~~vocational-technical schools governed by the Department of Technical and Adult Education~~ any public school employee may elect to become ~~members~~ a member of the Teachers Retirement System of Georgia. Any such personnel exercising such option shall begin making the employee contributions required by this chapter.

(b) Members ~~(1) who were previously eligible for membership in~~ members of the Public School Employees Retirement System on July 1, 2006 ~~and whose duties were or have been changed in such a manner so as to have made them eligible for membership in the Teachers Retirement System of Georgia and (2) any personnel specified in subsection (a) of this Code section~~ who elect to become members of the Teachers Retirement System of Georgia this retirement system shall be permitted to establish credit for service rendered in a public school system prior to the date such employees become or became members of the Teachers Retirement System of Georgia, provided that such service would be or would have been normally allowable as creditable service under the Public School Employees Retirement System; provided, further, that such members must pay the employee contributions on the salary earned by such members during the years of service sought to be so established, plus applicable accrued regular interest compounded annually to the dates of payment at the rates adopted by the board of trustees. Such members or the local boards of education by which the members are employed at the time the service is established shall pay the employer contributions on the earnable compensation of such members that would have been paid to the Teachers Retirement System of Georgia, plus applicable accrued regular interest compounded annually to the dates of payment at the rates adopted by the board of trustees.

(c) The State of Georgia shall be the employer of personnel specified in subsection (a) of this Code section for the purposes of employer contributions on membership service rendered by such members after they become members of the Teachers Retirement System of Georgia; ~~provided, however, that a local school system shall pay the employer contributions for the number of its managers or supervisors in each category of employment set forth in subsection (a) of this Code section who are members of this retirement system pursuant to this Code section which exceeds one person or 7 percent, whichever is greater, of the total number of employees of such local school system in such category; provided, further, that the state shall continue to pay employer contributions for all members who became members of this system pursuant to this Code section prior to April 1, 1992.~~

SECTION 3.

Said title is further amended by striking in its entirety subsection (m) of Code Section 47-3-67, relating to membership of teachers who are employed by independent school systems, creditable service, employee and employer contributions, and the effect of failure to pay required contributions, and inserting in lieu thereof the following:

"(m) Any full-time public school ~~lunchroom managers or supervisors, full-time public school maintenance managers or supervisors, full-time public school transportation managers or supervisors, or full-time public school warehouse managers or supervisors~~ employees who become members of this retirement system pursuant to the provisions of this Code section or Code Section 47-3-66 shall have the right to obtain creditable service under this retirement system pursuant to the provisions of subsection (b) of Code Section 47-3-63 on the same basis that other members of this retirement system who are subject to the provisions of Code Section 47-3-63 obtain creditable service."

SECTION 4.

Said title is further amended by striking in its entirety subsection (d) of Code Section 47-4-40, relating to eligibility, leaves of absence, termination, and transfer of service credits, and inserting in lieu thereof the following:

"47-4-40.

(a) ~~Any~~ Except as provided in subsection (d) of this Code section, any person who is a public school employee on January 1, 1970, shall be a member of the retirement system as a condition of his or her continued employment, except as provided in this Code section.

Any person who becomes a public school employee on or after January 1, 1970, shall become a member of the retirement system as a condition of his or her employment. This subsection shall become a part of any contract of employment of public school employees which is executed on or after January 1, 1970, but nothing in this Code section shall be construed to impair the obligation of any such contract executed prior to January 1, 1970.

(b) An otherwise eligible public school employee shall be classified as a member only while he or she is employed by a local unit of administration which is not operating a local retirement system, except as otherwise provided in Code Section 47-4-41.

(c) The membership of any member shall terminate if he or she retires under this retirement system or withdraws his or her contributions. Any member who has not withdrawn his or her contributions to the retirement system may retain his or her membership while on any leave of absence which is authorized by rules and regulations of the board. The board may continue the membership of a member while in the armed forces of the United States or other emergency wartime service of the United States, which service has been approved in advance by the board, or if he or she ceases to be a contributing

1 member by reason of illness. No benefit under the retirement system other than the
2 payment of the employee's accumulated contributions shall become payable to him or her
3 or on his or her account while he or she is not in service as a public school employee and
4 no employer contributions shall be made to the retirement system during any such time.

5 ~~(d) Full-time public school lunchroom, maintenance, or warehouse managers or~~
6 ~~supervisors, or full-time public school transportation managers or supervisors including~~
7 ~~those employed by postsecondary vocational-technical schools governed by the~~
8 ~~Department of Technical and Adult Education~~ employees shall have the option of
9 becoming members of the Teachers Retirement System of Georgia, in accordance with
10 Code Section 47-3-63. Any of such ~~personnel~~ person who ~~have heretofore exercised~~
11 exercises said option ~~or who hereafter exercise said option who have or had~~ has ten or more
12 years of creditable service under this chapter may withdraw ~~their~~ his or her accumulated
13 contributions from the fund, and upon withdrawing such contributions such ~~personnel~~
14 person shall cease to be ~~members~~ a member of the retirement system. Said ~~personnel~~
15 person may elect to allow ~~their~~ his or her accumulated contributions to remain in the fund;
16 and ~~such personnel shall~~ retain the vested rights established by Code Section 47-4-100.
17 Upon exercising such option, however, any such ~~personnel~~ person shall cease making
18 contributions to the retirement system, and no additional creditable service shall be allowed
19 under the retirement system. Any such person who elects such option and who has less than
20 ten years of creditable service under this chapter shall withdraw ~~the person's~~ his or her
21 accumulated contributions from the fund and, upon exercising such option, ~~such personnel~~
22 shall cease to be ~~members~~ a member of the retirement system. Any person subject to this
23 subsection who becomes employed on or after ~~November 1, 1982~~ July 1, 2006, shall have
24 the option, which must be exercised within ~~30~~ 90 days after becoming employed, of
25 becoming a member of this retirement system or of becoming a member of the Teachers
26 Retirement System of Georgia, ~~provided that any such person who becomes employed by~~
27 ~~a postsecondary vocational-technical school governed by the Department of Technical and~~
28 ~~Adult Education after July 1, 1987, shall exercise such option within one day after~~
29 ~~becoming so employed.~~ No such person shall be a member of both such retirement systems
30 under any circumstances. Such option shall be exercised by notification, in writing, to the
31 respective boards of trustees of such retirement systems. It shall be the duty and
32 responsibility of local units of administration and postsecondary vocational-technical
33 schools governed by the Department of Technical and Adult Education to notify their
34 respective employees and persons who become employed in the future and who are subject
35 to this subsection of the options provided for in this subsection and to furnish such
36 employees appropriate forms for the exercise of such options.

(e) Lunchroom, maintenance, warehouse, or transportation workers employed by postsecondary vocational-technical schools governed by the Department of Technical and Adult Education, who are otherwise eligible under laws, rules, or regulations, shall have the option of becoming members of the Employees' Retirement System of Georgia, in accordance with Code Sections 20-4-25, 20-4-26, 47-2-1, and 47-2-190. Any ~~of~~ such ~~personnel~~ person who ~~have~~ has heretofore exercised said option or who hereafter exercise said option who have or had ten or more years of creditable service under this chapter may withdraw ~~their~~ his or her accumulated contributions from the fund, and upon withdrawing such contributions ~~such personnel~~ shall cease to be ~~members~~ a member of the retirement system. Said ~~personnel~~ person may elect to allow ~~their~~ his or her accumulated contributions to remain in the fund; and ~~such personnel~~ shall retain the vested rights established by Code Section 47-4-100. Upon exercising such option, however, any such ~~personnel~~ person shall cease making contributions to the retirement system, and no additional creditable service shall be allowed under the retirement system. Any such person who elects such option and who has less than ten years of creditable service under this chapter shall withdraw ~~the person's~~ his or her accumulated contributions from the fund and, upon exercising such option, such person shall cease to be a member of the retirement system. Any person subject to this subsection who becomes employed on or after July 1, 1987, shall have the option, which must be exercised within ~~one day~~ 90 days after becoming employed, of becoming a member of this retirement system or of becoming a member of the Employees' Retirement System of Georgia. No such person shall be a member of both such retirement systems under any circumstances. Such option shall be exercised by notification, in writing, to the respective boards of trustees of such retirement systems. It shall be the duty and responsibility of postsecondary vocational-technical schools governed by the Department of Technical and Adult Education to notify their respective employees and persons who become employed in the future and who are subject to this subsection of the options provided for in this subsection and to furnish such employees appropriate forms for the exercise of such options."

SECTION 5.

This Act shall become effective on July 1, 2006, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2006, as required by subsection (a) of Code Section 47-20-50.

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- SECTION 6.
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- All laws and parts of laws in conflict with this Act are repealed.